

# EXHIBIT C

# APPENDIX A

**APPENDIX A: DEFENDANT GIULIANI'S CONTINUED PUBLIC STATEMENTS  
CONTRADICTING THE COURT'S PREVIOUS ORDERS**

This appendix catalogs Defendant Rudolph W. Giuliani's statements (of which Plaintiffs Ruby Freeman and Wandrea' ArShaye Moss are aware) that he has published over the last several months contradicting or undermining the Court's previous orders. They are listed in chronological order by date in sections representing the periods after notable developments in this litigation, *Freeman v. Giuliani*, No. CV 21-3354 (BAH).

**July 25, 2023, Defendant's Response to Motion for Sanctions for Failure to Preserve Electronic Evidence, including Nolo Contendre [sic] Stipulation (see ECF Nos. 84, 84-2)**

July 27, 2023, Episode of *America's Mayor Live*

The other thing they put in the papers today that I conceded that I was lying in the, uh, case in, in, in, in, uh, uh, in Georgia about the two women who were involved in the video tape where they threw all of the public out of, uh, the arena and only after that went under a desk with a big, uh, um, blanket on it, lifted up the blanket, lo and behold, there were ballots there, and then they furiously counted ballots outside the presence of the public, which is a clear violation of the law in the state of Georgia, which made those ballots invalidly counted. Whether there was anything else, that's as clear as you can get. That's what I said. That's what I stick by. I haven't changed it. I entered a stipulation to, uh, uh, neither affirm nor deny—just basically concede that part of the case, only for the purposes of that case. So that we could move on to the, to, to, to, to the areas where the defense is, uh, very, very strong. And also, uh, uh, we avoid as much as possible a Washington jury, which, uh, just frankly is not going to give anyone involved with Trump anything close to a fair trial. But at, at no point did I say that anything that I said was false. That is a complete misstatement of a very typical stipulation that's entered very, very often in trials in order to move on to parts of the case that you want to contest when you don't want to contest other parts of the case.<sup>1</sup>

July 28, 2023, Episode of *The Rudy Giuliani Show*

Number two, I did not admit that I lied with regard to the Georgia, uh, two women who were, um, surreptitiously counting ballots after they threw the public out against the law in, uh, uh, Georgia, where you have to count ballots in public, and

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<sup>1</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (E199): What's Next for Joe and Hunter Biden?*, X (July 27, 2023, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1684715522771030017> (archived at <https://perma.cc/W5L7-87SN>), at 9:42–11:27.

then, uh, lifted up a, a big black, uh, uh, blanket and grabbed a bunch of votes out of there and started counting them furiously. I did not admit that I was lying about that. What I did was, I stipulated to take that issue out of the case, so that we could focus on the issue of the support that I had for the allegations that I made, namely that they were reasonable, and, uh, where I could, uh, use, uh, uh, the, the, the defense of, uh, this was my obligation as a lawyer and it was my First Amendment right to have this opinion. And the, the reason we did that is because, quite frankly, we are in a completely prejudiced, uh, venue, uh, the District of Columbia. Uh, I'm a lawyer, not a fool, and my lawyer is a lawyer and not a fool. And it, it ain't going to do us much good to go to trial on that, because the chances are, uh, 999 out of a thousand that the jury will just find against us because we're Republicans, as they have had consistently on the January 6th cases. It's not crucial for us to litigate that, so we don't confirm it or deny it. But it is hardly an admission. It is done in many, many cases, stipulations like this. It's never painted that way because it isn't that way, and every single article that did it is a effing liar.<sup>2</sup>

August 1, 2023, Episode of *America's Mayor Live*

The whole situation involved in Georgia is a complete farce because some—somehow they suggest that someone doctored the, the video that was played. I, I certainly didn't. I never even saw the video before it was played. I had nothing to do with the acquisition of it. Showed up in the legislature that morning and was surprised to find that we had a video. Watched it with everyone else. Didn't edit it. I wouldn't have known how to do it anyway, and I didn't, I didn't have the opportunity to do it. I didn't have possession of it. But doesn't stop them from suggesting that one of us did that.

And the whole point of it was not phony ballots or not phony ballots. The law of, uh, Georgia says that votes have to be counted in public so that, uh, what I talked about can happen, so that the opposition can get a chance to challenge the ballots. It's the only way to ensure that an absentee ballot is real. If the person doesn't come in and vote, you gotta do it based on checking the signature. During the period of time reflected in, uh, one portion of that video, everybody was ushered out, there was nobody there, and a whole bunch of ballots were counted. Those ballots are invalid. They were, they were counted against the law. You have a right to complain about that.<sup>3</sup>

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<sup>2</sup> *The Rudy Giuliani Show* 7.28.23, WABC 77 (July 28, 2023), <https://wabcradio.com/episode/the-rudy-giuliani-show-7-28-23/> (archived at <https://perma.cc/R5KL-4FNU>), at 2:57–4:42. Timestamps for all WABC 77 episodes correspond to the archived link.

<sup>3</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (E202): Bidenistas Indict President Trump For Exercising His Free Speech Rights*, X (Aug. 1, 2023, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1686527364510232576> (archived at <https://perma.cc/W633-TVFD>), at 7:21–8:54.

August 2, 2023, Episode of *America's Mayor Live*

And this is the one involving the two women. . . . Well, I mean, they shared the view of that, uh, film that, uh, Trump had and uh, that, uh, uh, our team had, so it wasn't just us who saw it that way. And if you look at it carefully—and they are very tricky about this in the indictment—they don't point out what was actually illegal about that. They say, uh, we didn't prove that they were phony ballots. No no, that, that isn't the charge. They're illegal because they weren't inspected. And uh, the, you can see on the video that the people that were there, the public that was there, was thrown out. And some of those people testified they were thrown out, and you see it on tape.<sup>4</sup>

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[The Georgia Senate Study Subcommittee of the Standing Senate Judiciary Committee report summarizing testimony from the December 3, 2020, hearing] also concludes that our interpretation of the throwing out of the people at State Farm Arena was correct.<sup>5</sup>

August 7, 2023, Episode of *America's Mayor Live*

[The Georgia Senate Study Subcommittee of the Standing Senate Judiciary Committee report summarizing testimony from the December 3, 2020, hearing] came to the completely opposite conclusion than the left-wing crooked president about the, uh, video tape at the arena and concluded that the votes that were counted during that period of time were invalid because, uh, uh, the public had been completely excluded, and the law of Georgia requires that votes be counted in public.<sup>6</sup>

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<sup>4</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (E203): Bidenistas Indict President Trump*, X (Aug. 2, 2023, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1686889706695655430> (archived at <https://perma.cc/735D-5W5C>), at 43:11–44:26.

<sup>5</sup> *Id.* at 53:21–53:30 (referencing Election Law Subcomm. of the Standing Ga. Senate Judiciary Comm., *Summary of Testimony From December 3, 2020 Hearing* (Dec. 30, 2020)), [http://www.senatorligon.com/THE\\_SENATE%20JUDICIARY%20SUBCOMMITTEE\\_FINAL%20REPORT.PDF](http://www.senatorligon.com/THE_SENATE%20JUDICIARY%20SUBCOMMITTEE_FINAL%20REPORT.PDF) [archived at <https://perma.cc/4UXA-E3XS>] [hereinafter *Summary of Testimony*].

<sup>6</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (E206): Why Did Bill Bar [sic] Cover Up The Hunter Biden Laptop Hard Drive?*, X (Aug. 7, 2023, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1688701594752409600> (archived at <https://perma.cc/2TXP-VN7E>), at 31:06–31:45 (referencing *Summary of Testimony*).

**August 8, 2023, Defendant's Superseding Nolo Contendre [sic] Stipulation (see ECF No. 90)**

August 15, 2023, Episode of *The Rudy Giuliani Show*

I'm going to, uh, sit by and accept their interpretation of that, uh, uh, video which they falsely claim—and I know they're lying—they falsely claim that I edited it? I never even touched it. Never saw it before they did. Never touched it, watched it. And they keep ignoring something, and they do it today. It is a violation of law in Georgia, and they like to ignore the violations of law that they offend, to, uh, count ballots outside the presence of the public. You can see openly and notoriously on that tape the public is thrown out. When the public is thrown out, the veil is lifted. The ballots are taken out and counted outside the presence of the public. Illegal!<sup>7</sup>

...

Kind of looked like the tape where they threw everybody out and counted the votes, and, and, you know, they allege that I edited that tape. They are going to find out that I never touched it. Never saw it beforehand, never got my hands on it. Uh, I don't know how to edit it. And they are all, uh, saying, "Oh, there's no proof the ballots were phony ballots!" Ahh, but they deliberately, they deliberately exclude, they deliberately exclude the illegality. The law of Georgia says ballots have to be counted in public. You see on that tape a deliberate action where they throw the public out and after the public is thrown out, they case the joint twice to make sure the public isn't there. And then they have ballots that are hidden under a blanket. They open the blanket and they start counting those ballots. Those must have been very—those must have been cold ballots that needed a blanket on them all day. I can't draw inferences from that as a lawyer?<sup>8</sup>

August 15, 2023, Episode of *America's Mayor Live*

And then I got this, got this tape. Uh, I don't know, uh, that you tell me, that I, uh, you the state says that I, uh, edited. You even say it in your false documents, that I edited it. Even, even wild and crazy, what does Trump call him, Deranged Mr. Smith says I edited it. Well, you see, if I know you're lying, it's tough. I never even saw the damn thing before it was played at the legislature, never even touched it. Finally, I think I could call members of my family that would tell you, I don't know how to edit. For the life of me, I can't edit. So, I didn't edit it, number one.

Number two, I looked at it. Now, somehow the governor and the, uh, attorney general, and all these other people who are smarter than me saw something different in it. Oh, but considering the fact that I'm older than they are, have about fifty times the experience in law enforcement than they do, uh, and have viewed surveillance

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<sup>7</sup> *In the Indictment* / 08-15-23, WABC 77 (Aug. 15, 2023), <https://wabcradio.com/episode/in-the-indictment-08-15-23/> (archived at <https://perma.cc/HUT6-XNK2>), at 12:18–13:06.

<sup>8</sup> *Id.* at 28:38–29:54.

film, bank robbery films, mafia films, uh, intelligence, uh, uh, films, I think I'm pretty good at it. I'm pretty good also at using my judgment and experience in looking at what I consider to be surreptitious conduct. In fact, that, that's used as a basis for probable cause. Well, I look at, I look at the tape, and I see something different. I see, uh, I see the public thrown out at ten o'clock at night. I see a law that they keep ignoring that says that you can't count votes except in public, but then I see the public thrown out. And then I see, uh, two women walk around to make sure there's no public there. We used to call that casing the joint. Big, big joint. And then I see somebody go over to a table with a big blanket over it looking like a casket, lifting it up, and pulling out votes. Looks like they didn't want other people to see them do it, because they threw those people out. When you look at the statute, it says that that's invalid. Gee, I'm sorry. I thought the law applied equally, but I forgot we're in Georgia.<sup>9</sup>

August 16, 2023, Episode of *The Rudy Giuliani Show*

I had nothing to do with the, uh, film of those women acting like they were doing something illegal. They *were* doing something illegal. They just changed the goal post on you. They say, "There's no proof the ballots were fraudulent," meaning that they were ballots that were made up afterwards, just checking off the name "Biden"—there sure as hell were a lot of those, by the way, in the group of ballots in Georgia, but here, the allegation never was that those ballots were necessarily ones that were phony or fraudulent. But they, they conveniently like to ignore their own law. The Georgia law is that all ballots must be counted in public. So that if you look at that film carefully, you will see very far away, in a distant corner, there are a group of people just standing there like observers. Don't know why they have them stand there because they can't see anything, which is another violation in and of itself—they're so damn far away—and, uh, the law says that, uh, a, if you count votes without that, it's invalid.

Well, long about 10 o'clock at night or 9:30 or whatever, uh, several, uh, people, including the two women at issue, went up, uh, to these people and told them to get out, they were closing down. And they were all escorted out. The door was locked. Uh, they walked around the en—large arena, made sure there was no one there, just in case. And then they did it a second time. Uh, what I describe from my experience in law enforcement, which I am allow—entitled to rely on—I could with a search warrant, for example, uh, probable cause for a search warrant—in my experience, they walked around like, uh, the way people case a joint before they're gonna do a robbery. And they acted very, very, uh, in a very incriminating way. And then, after lookin' around again and delaying somewhat, they opened up or lifted a very, very large blanket, black blanket, that was over a table, and under the table were a group

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<sup>9</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (E212): Rudolph William Louis Giuliani Responds to Fulton County's Buffoonery*, X (Aug. 15, 2023, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1691600693269053771> (archived at <https://perma.cc/DHB8-DNCB>), at 1:32–3:51.



of ballots. Many, many ballots in boxes. And those ballots were pulled out and they were handed to various people who remained behind of the counters, not the public, and without the public there, ballots were counted furiously. Many, many ballots were counted.

It is our contention that if you apply Georgia law, all those ballots are invalid. And when you look at, as best you can, a, a vote during that period of time, that's the period of time where Biden got something like 98 or 97% of the vote. And there are witnesses outside who say they weren't allowed back in. Now that's all in the [Georgia Senate Study Subcommittee of the Standing Senate Judiciary Committee report summarizing testimony from the December 3, 2020 hearing].<sup>10</sup>

August 16, 2023, Episode of *America's Mayor Live*

“The truth about what happened on the night of November Third between 10:30 and 11:52 PM”—that's when they threw the people out—“continues to be elusive. GOP party poll watchers say that Fulton County staff told them and the media to go home (implying that they did so in order to count without supervision). Fulton staff tell me that the poll watchers and the media just left”—poll watchers just left—um, Moss, uh, “when Moss sent home everyone but the scanner team. An SOS investigator is involved, so the truth will come out, but if the party poll watchers are correct, this is a serious problem.”

Well, they are correct, and the tape, whatever other interpretation you have of it, is quite clear in that they are escorted out. Uh, like they're shoo—shoo, they shoo them out. And then after they are out, they case the joint twice, and then they go open up a blanket, big black blanket, and they start taking out big cartons of ballots, and they start stuffing them in the machine with no one there. And no one, including the attorney general or the governor, has ever informed you, because they are liars, that that in and of itself is a serious violation of Georgia law. Georgia requires that the ballots be counted in public. The public had been excluded. The Arena tape makes it clear. They did it because they didn't know they were on tape. The tape that picked it up was the security tape that's used for the basketball games and everything else. No one even knew it existed until the owner looked at it, realized that it looked pretty darn criminal, and, uh, gave it to, uh, one, one of the, uh, Republican lawyers.

Let me clear up another fact. Uh, uh, Fa—uh, Fani Willis, in her completely irresponsible indictment, somehow suggests that I, that I edited [the video from State Farm Arena on election night], that I changed it, or that I even had something to do with procuring it. All of that is completely untrue. I didn't. First time I saw it was when I watched it at the hearing at the state legislature with everyone else. I

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<sup>10</sup> *What About the Other Guy?* / 08-16-23, WABC 77 (Aug. 16, 2023), <https://wabcradio.com/episode/what-about-the-other-guy-08-16-23/> (archived at <https://perma.cc/MKG2-76SZ>), at 7:45–11:12 (referencing *Summary of Testimony*).



never had the original in my possession. I never edited it. I, I wouldn't know how to, and I interpret what I interpret, uh, from what I see. And I ca—and when I listen to Raffensperger and the rest of them tell me their interpretation, I, I believe not only are they wrong, they're deliberately lying. And now I'm reinforced in that because I didn't know that Raffensperger was hiding a, a, a, a, a report that supports the fact that there were serious problems with the election.

Now, I'm entitled to have that opinion. That didn't come out of thin air. I can look at that, uh, uh, recording and come up with my own opinion of it. I don't have to accept theirs. I kind of have a lot of experience watching criminal situations. I get a pretty good sense when people are acting in a criminal way, surreptitiously, casing the joint, and I'm entitled to draw that conclusion. I'm also entitled to draw conclusions for the benefit of my client. But no no no, no no, truth is, there's nothing wrong with that, and my saying that is a crime. I go to jail for being aware, arguing my case.<sup>11</sup>

August 29, 2023, Episode of *America's Mayor Live*

Maybe we try [*Georgia v. Trump*] at the same arena where they, uh, where they came up with the, uh, vi—the video of the, uh, votes being put under the, under the blanket and everybody thrown out and then they counted them, which, uh, the governor and the, um, and the, uh, attorney general announced were “perfectly valid,” uh, missing the fact that the Georgia has a statute that says the votes have to be counted in public. They don't bother to mention that. [Crosstalk.] And nor, nor, and nor do the people, nor do the people that, uh, question me or—they, they, they, they, they say, “Well that ca—that, see that law doesn't count. That was—that, that, that law doesn't, that law doesn't count. You, you mean you really think that that law counts?” You—well, I don't know. It says if you, if, if the public isn't, pu—public isn't present, the vote's not valid. What does that mean if it's not valid?<sup>12</sup>

<sup>11</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (E213): American Deception & Uncovering the Truth*, X (Aug. 16, 2023, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1691963082229293281> (archived at <https://perma.cc/Y8Q2-AG63>), at 26:33–30:31 (reading from *State Election Board Report – Post-Election Executive Summary*, Seven Hill Strategies (Jan. 12, 2021), <https://s3.documentcloud.org/documents/20484973/fulton-county-state-election-board-report.pdf> [archived at <https://perma.cc/KAQ8-57FA>], at 9).

<sup>12</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (E222): Biden Used Fake Names Potentially Thousands of Times As Vice President*, X (Aug. 29, 2023, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1696674141045444825> (archived at <https://perma.cc/NX6R-VA4V>), at 24:52–25:43.

**August 30, 2023, Court's Order Granting Plaintiffs' Motion for Sanctions and Memorandum Opinion (see ECF Nos. 93–94)**

August 30, 2023, Episode of *The Greg Kelly Show*

Greg Kelly: You know, the fake news is freaking out. I can tell this is fake new—fake news. They're jumping up and down with joy, thinking that you're guilty of something. But I have a feeling that's not—they're not telling the right story about Ruby. What's her name? Ruby Freeman and Shaye Moss.

Giuliani: Right. They're, they're, uh, mistaking the two words, uh, “libel” and “liable.” The judge, uh, did not find, uh, anything about the case. We haven't even tried the case! We're—we've done, um, two thousand hours of discovery, twenty years of discovery, uh, completely oppressive. They have a Wall Street law firm that's gotta be getting paid by somebody to do this. And, uh, this is part of the Biden Regime plan to have the process beat you. So, I—nobody's ever tried my case. I haven't had a chance to put my defense in. She found me liable—L-I-A-B-L-E—because she said I didn't comply with discovery. Now, I've given them thousands of documents. 90% of the documents they ask for have nothing to do with the Ruby Freeman case. They're trying to discover something I did wrong, or Trump did wrong, or somebody else did wrong. Most of it I objected to. She overruled my objections. I mean, she's put probably more January 6th people away for unquestionably ridiculous periods of time than anyone. And, uh, here—here's the best part of it. She says I didn't turn over all of my electronic discovery. Well, I didn't have my electronic discovery, Judge. The FBI had it.

Kelly: Hm.

Giuliani: I gave you everything I did have, and I gave you everything that I eventually gave to the FBI. And what I got back from the FBI, it's not my fault if it's not complete. They, I did not get back from them, I think, everything I gave them. Now, here's the real kicker. The stuff in there has nothing to do with this case.

Kelly: Yeah.

Giuliani: It's, uh, uh, uh, uh, 90% of this discovery was intended to try to impose about a million dollars of expenses on me. I mean, why, why the heck did they want to know what I did in law practice twenty years ago?<sup>13</sup>

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<sup>13</sup> *Trump GPT*, WABC 77 (Aug. 30, 2023), <https://wabcradio.com/episode/trump-gpt-08-30-23/> (archived at <https://perma.cc/ZF3C-4LBM>), at 66:16–68:16.

Kelly: Now, I look at this Ruby Freeman and the Shaye Moss case. I mean, I think they're overdramatizing what they went through. Big time. Uh, so you call them out. You, you, you said this USB thing, it looks like a criminal conspiracy. Donald Trump called them out in a tweet. A tweet. I saw in the January 6th report. I mean, somebody knocked on their door, and she totally freaked out. I mean—

Giuliani: I didn't knock on her door.

Kelly: You didn't knock on her door.

Giuliani: I interpreted what I saw on a tape. I still interpret it that way. I mean, there's no doubt they were screwin' around.

Kelly: And you're allowed to do that in America. You're allowed to be suspicious.

Giuliani: And opinion is not covered under libel. The case should be thrown out because it's based on opinion. If we had anything close to it, I mean, there's no way to describe this judge as fair. You can't possibly describe this judge as anything other than an over-the-top Biden acolyte who has put people in jail for ridiculously terrible periods of time for merely committing trespass and is—delights in it.

Kelly: Which judge is this?

Giuliani: Uhh.

Kelly: There's so many judges, I know.

Giuliani: I don't want to get—I don't want to get her name wrong.

Kelly: Alright, standby on that. Standby on that. So—

Giuliani: Who is the chief judge.

Kelly: Uh, the chief judge.

Giuliani: And if you look at my discovery, there are a thousand pages of discovery that I've gotten, roughly, and most of it I objected to cause it has nothing to do—what I said about Ruby Freeman is that they violated the law of Georgia in the way they counted those ballots. There's no question they did. They threw the public out. You see that on the tape. They then checked the arena twice, and then they counted the ballots with no one in the public there. The law of Georgia, which the judge completely—the law doesn't mean anything anymore. The law of Georgia says that you have to have the public present to count ballots, and it's invalid if you don't.

Kelly: I will say this—

Giuliani: And it's clear that they were hiding the ballots because for the whole day, they were under a table with a big black cloth over it. It looked like a gigantic uh, uh, funeral, a, a funeral setting. And then they waited 'til the people were thrown out to get the ballots out from under the—under the—under the table.

Kelly: Do me a favor, one of these days you're going to have to—

Giuliani: You're entitled to have an opinion about that.

Kelly: You are entitled to have an opinion. And I would love it if you could walk me through. Because I've seen the video and then I see it—I, I don't know if they run it at full speed or half speed or double speed. I ho—I honestly don't know what I'm looking at. You know what I mean? I know. And I need somebody like you because—

Giuliani: Yeah, there's only about—there's only about, um—you could say about two hours of it, uh, is relevant, but there's really a relevant fifteen minutes. You—um, number one, first of all, you have to know that the law of Georgia requires the public to be present for the counting of ballots. In the corner of this big arena, you see, when you first see the tape, you see a large number of people, civilians.

Kelly: Yeah.

Giuliani: Then you see them usher them out, and then you see them check the arena to make sure there's nobody in the arena.

Kelly: Was there a water main break for real?

Giuliani: No.

Kelly: There wasn't?

Giuliani: That, that was a phony story.

Kelly: Phony?

Giuliani: Yeah.

Kelly: That was widely reported?

Giuliani: Yes. Now, I didn't, I didn't allege that they had part of that. I don't know if they had part of it or not. They just threw these people out.

Kelly: Mr. Ma—

Giuliani: And, and the law of Georgia is very strict. You can't do it. There are also two witnesses who, who, who witnessed them being thrown out. And then, if you watched the way they counted the ballots, it looked extremely suspicious. They— why would the ballots be there all day covered by a gigantic blanket? And only, that blanket only opens up when the last member of the public is thrown out. And, by the way, for the next three months, nobody would let me look at those ballots. They, they wouldn't let me look at a single ballot in Georgia. Georgia has gone through this. No one has ever done a forensic examination of their ballots. And I guarantee you, they are filled with phony ballots.<sup>14</sup>

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Giuliani: I'm not going to go to trial. That, that's why I entered a stipulation.

Kelly: Oh.

Giuliani: I'm going to argue the law.<sup>15</sup>

August 30, 2023, Episode of *The Rudy Giuliani Show*

I mean, the Supreme Court should step in by itself and throw all these cases out, including the ones against me and the judge who found me liable without a trial because I didn't comply with discovery, because the FBI had my documents, Judge.<sup>16</sup>

...

So, uh, first I was going to tell you about this case, and, uh, very simply, I entered a stipulation in this case. I did not admit or deny or, uh, concede, or anything else—I, for the purpose of the case, uh, allowed, allowed, uh, to be, actually to be no contest on the issues with regard to, uh, the, uh, uh, statements that were made and the, uh, what would have been a part of the jury. I did it because I'm, I'm not going to get a fair trial. Well, I'm not a jackass, I'm not going to get a fair trial in the District of Columbia. I mean, uh, so I might as well concede those issues because I have a very good legal defense, uh, which I'm not going to win with this judge. This judge has allowed them to, uh, punish me by process by, uh, giving me, uh, e-e-e-normous numbers of discovery requests like we were an antitrust case. It's a Wall Street law firm that's being funded by someone on this libel case, so I didn't contest that part of the case so that we can move on to the legal part of the case.

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<sup>14</sup> *Id.* at 68:41–72:44.

<sup>15</sup> *Id.* at 72:58–73:02.

<sup>16</sup> *The Rudy Giuliani Show* / 08-30-2023, WABC 77 (Aug. 30, 2023), <https://wabcradio.com/episode/the-rudy-giuliani-show-08-30-2023/> (archived at <https://perma.cc/R7LK-FS7E>), at 34:24–34:42.

The judge has entered in essence a default judgment for a totally different reason. The judge has find me liable because she believes I didn't comply with discovery. Now, discovery was ridiculous! I—it cost me hundreds of thousands of dollars for discovery. And the, the main thing she's upset about is, uh, so-somehow they don't think they got all of the electronic, uh, material. Well, there's a reason I wasn't able to give them the electronic material for a year and a half or two years. The FBI had them! And, by the way, the FBI was messing around with my iPhone for three to four years. They went and took it secretly in, in 2019 and spied on me as a lawyer. And, when we got the material back, my experts said a lot of it was compromised, meaning the FBI, given the way they operate now, apparently, uh, uh, some of it's missing. I had it. Now it's gone! But I, I didn't have it. I mean, I—they, they're the ones who, who, who—I didn't, I didn't touch it. They processed it. So, if it's missing, go, go punish the FBI, not me.

This is the judge that has put, I think, more J6 people in jail for ridiculously horrible, cruel, sadistic amounts of time, so I knew I didn't have a prayer with her. So, I want to get out of her court as soon as possible and appeal this damn thing. And, of course, the communist media says this is some kind of victory. How can it be a victory? I didn't even have a trial! I haven't been able to call a witness yet. I'm, I'm, uh, I'm fighting over, you know, discovery of things thirteen, fourteen years ago that have nothing to do with this case. Because their discovery was an attempt to try to find anything they could. And not just about me, but about Trump, or Mark Meadows, or someone else, who had nothing to do, also had nothing to do with this case.

So, the, the, I know a number of people have pointed out that part of the Biden Regime program here is punishment by process. That's what this is. But they're not going to beat me. I'm going to get them on appeal. So, don't worry. E-everything I say here, I can back up. All you've got to do is look at this, uh, tape, and, by the way, it's an opinion, which is not covered by the libel laws. And I have a right, e-even in, even in this new, fascist America and a fascist District of Columbia, I have a right to my opinion under the First Amendment. I think the courts will vindicate that, and when you look at this tape, if you think these people were being legitimate, God Bless You, you're awful naive.<sup>17</sup>

August 30, 2023, Interview with DailyMail.com

That case—you shouldn't be surprised at the result of that case. I knew it the minute the judge was assigned. This is the judge—I don't know if she's first or second in the most January 6th people put in jail, for the longest period of time. . . . She doesn't have a, she does—she doesn't have a fair bone in her body. And she's actually holding me liable, having made no findings about the case, because I didn't comply with discovery. The reason I didn't comply with discovery is the FBI had all my material. I, I couldn't give them the material. The FBI had it. When the FBI

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<sup>17</sup> *Id.* at 35:58–40:02.

gave it back to me, I gave it to them. And the FBI, in the process of spying on me for three years, actually compromised some of my material.

And, and, by the way, just one other aside—most of the material had nothing to do with their case. It goes back like ten years ago. This was what I think Steve Bannon calls “punishment by process.” There hasn’t been a single witness, a single hearing, no finding on the case. And I want to get it out of her court, go up on appeal ’cause I think I have a, a defense. The defense is what I was doing was offering my opinion. I have a right to look at that tape, where they have thousands of ballots hidden under a black blanket all day. I have a right to draw the conclusion, the inf—they were doing something wrong. Not only do I have a right to do it, I have a duty to do it as his lawyer, which she doesn’t believe that Trump has any right to counsel.<sup>18</sup>

August 30, 2023, Episode of *The Joe Pags Show*

Giuliani: So I can look at that, at that, uh, uh, at that film of Ruby Freeman whatever, and when I see a big desk in the middle of the room, a big, giant black, uh, uh, blanket over it that was almost, you know, almost looked like a block long. They throw everybody out, and then only when everyone is out and they case the joint, do they go and open it and count the ballots with nobody there. I happen to know as a lawyer that the law of Georgia, which they don’t tell you, makes it illegal to count ballots outside of the presence of the public, the only state that does that. They threw those people out for a reason. They didn’t want them to see that a lot of the ballots were never folded. If they were never folded, they can’t be absentee ballots, because they have to come in an envelope with an identified signature. If they’re not folded, then they, then they were printed two blocks away in, in a little store where at least we have suspicion, a little bit of proof, that they were printing ballots twenty-four hours a day. So, I mean, I can have that opinion.<sup>19</sup>

...

Oh, I mean, it’s ridiculous. I have a judge now—and this judge put more of the January 6th people away for, uh, I don’t know, life than anyone, which is, uh, I think that you’re gonna have to pay for it in Heaven. Uh, so she, she, um, basically finds against me because I didn’t, I didn’t turn in all my electronics. You know who had my electronics, Judge?

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<sup>18</sup> Katelyn Caralle & Nikki Schwab, *EXCLUSIVE: Defiant Rudy Giuliani Says Judge Who Ruled He Defamed Georgia Election Workers ‘Doesn’t Have a Fair Bone in Her Body’*, DailyMail.com (Aug. 31, 2023), <https://www.dailymail.co.uk/news/article-12463233/Defiant-Rudy-Giuliani-says-defamation-ruling-not-surprise-got-tough-January-6-judge-LAUGHS-claims-drunk-working-Trump.html> (archived at <https://perma.cc/73YT-VTN3>), at 0:00–2:06 (interjections from reporter omitted).

<sup>19</sup> Joe Pags, *Rudy Giuliani - Targeted by a Rogue Partisan DA - He's Pushing Back!*, Rumble (Aug. 30, 2023), <https://rumble.com/v3dgwso-rudy-giuliani-targeted-by-a-rogue-partisan-da-hes-pushing-back.html> (archived at <https://perma.cc/D5N6-G3F6>), at 2:39–3:55.



Pags: The FBI, the FBI took them didn't they?

Giuliani: Yes! And when they gave it back to me, by the way, they compromised some of the material in the way they examined it—

Pags: Wow.

Giuliani: Otherwise it doesn't exist anymore. I didn't get rid of it.<sup>20</sup>

...

So, we can both look at that video, and there can be an innocent explanation for it and there could be a criminal explanation for it. And as his lawyer, the criminal explanation is the one that helps him, that's the one that I'm required to emphasize and argue. It's called, I've got to recite the facts in the light most favorable to my client. I'm not a free man here. Now, I happen to believe it, too.<sup>21</sup>

August 30, 2023, Episode of *America's Mayor Live*

Because I am involved in this litigation, I can only say a limited number of things about the judge who rendered a decision about me, uh, which is quite extraordinary. Suffice it to say that, uh, I did not admit liability, nor did I admit that I lied, because I didn't lie. What I did was enter into a stipulation where we didn't have to try the case so that we could bring the case up to the court of appeals on—and even to the judge, although I have no hope that the judge would even come close to even thinking about deciding the case in my favor, um, because there is no use in trying the case there. I, I mean, and I don't—if I had to, I would, but I, I, I believe that I have an excellent, uh, legal defense that what I'm being accused of by these people—who I believe actually did what I said they did, but that's irrelevant—it was a matter of opinion. And, um, opinion is not defamation, and—

Make it simple. The main part of the case, is this whole, um, uh, uh, um, film that was seen, uh, the film with—came forward about three weeks after the election. No one had known that they had a security camera in the sports arena and none of the, none of the, uh, of the, um, uh, uh, crooked people who run Atlanta and Fulton County knew that. And on this particular day, uh, they were counting ballots and, um, the law in Georgia says that when you're counting absentee ballots like this, you must do it in public. Now, if you looked at the earlier part of the video, you saw that in one corner of the arena they technically complied with this provision by having a big walled-off area or sectioned-off area, and there you saw the public. And they were there all day coming in and out, watching the proceedings but quite

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<sup>20</sup> *Id.* at 4:46–5:25.

<sup>21</sup> *Id.* at 22:00–22:25.

deliberately not able to see anything except the general movement. They couldn't, for example, see what we needed to see: that a lot of the paper was phony.<sup>22</sup>

...

So, when you look at what they did that night, uh, they hid the ballots, and it was a, it was a desk that was maybe three, four times the size of this desk with a gigantic—I've never seen a black blanket that big covering it, all day. And as soon as everybody was kicked out, but only after they did two surveillances of the place, which I would call casing the joint, they rushed, lifted up the blanket, took out the ballots, and started furiously counting them. Uh, nobody was checking signatures, you can see that, because it was being done very fast. You couldn't see if they were pristine or not—I couldn't at least—um, but you could see they were being counted in a very strange and suspicious way from which you are entitled to have an opinion about that, to draw a conclusion that it was being done in such a suspicious way that there was something criminal about this, and there was!

Because what you had to know is that the law of Georgia makes that entire procedure illegal, which is why they were doing it so fast. Georgia law says that the ballot must be counted in public or it is "ba-bop." [Gestures by drawing a finger across his throat.] And those ballots, when they were checked against ballots cast during that period of time, were almost close to 100% Biden, and many of those ballots, just based on observations that were made and are contained in Senator Ligon's report, had only one name on them, Biden. They didn't vote for any of the other Democrats. They said, "Why not?" Because if you gotta stuff in 30 or 40,000 phony ballots, you don't have time to fill out a whole ticket.<sup>23</sup>

...

As his lawyer, if a piece of evidence has the possibility of being helpful to him, I've got to further that evidence. Like, um, if I looked at that tape, and one explanation is they were innocent and the other was no they weren't—why would they have it under a—why would they have it under a big, giant, black, looked like a two-mile blanket? Why would they only open it after everybody was thrown out? Why would they run around and look like a bunch of criminals when they were doing it, looking over their shoulder? And how did it turn out to all be for Biden? And why did they not allow Republicans to have a look at a piece of paper? I can't from that draw the opinion that it was a phony election? Sheesh, I think I can, in America. I think I'm allowed to have an opinion.

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<sup>22</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (E223): Analyzing Joe Biden's Use of Pseudonyms as Vice President*, X (Aug. 30, 2023, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1697036568777875960> (archived at <https://perma.cc/ART6-Y7WV>), at 41:57–44:22.

<sup>23</sup> *Id.* at 49:09–51:10.

And opinions are not, are not, uh, facts. They're not defamation. And that I don't have to try to a jury. That I can try to a court, because, uh, you, you, eh, eh, you, you're not getting, you're not getting a fair trial in the District of Columbia. That's where I'd have to try it in front of a judge that has put away January 6th defendants for so long, you would think they gave away the atomic secrets. Uh, and also, keeping them behind bars with no bail, like we were not America. I mean, I from the very beginning knew I had no chance with—so she found that I didn't comply with discovery, and then sort of entered a default judgment against me, which the press reads as, you know, she decided the case against me. She never got to the facts of the case!

We fought about thousands and thousands of requests for discovery, most of which had nothing to do with the case, all of which were done to harass, by a Wall Street law firm that did this theoretically pro bono. Ha. Ha! And, uh, basically engaged in what has now become a Biden Regime tactic, because they are part of the Biden Regime, the people involved are all connected to it, which is, um, punishment by process.<sup>24</sup>

August 31, 2023, Episode of *The Rudy Giuliani Show*

The reason why, uh, these two women that they say I admitted liability to—I did not—the reason these two women did what they did and threw the public out is so that they could count those ballots very, very quickly so nobody could look and see: were some of those ballots pristine and therefore never folded. One way to find out that an absentee ballot is phony is you got, you got to see, uh, creases in it, because it has to be put in an envelope. They wouldn't let us do that, all of that was hidden.<sup>25</sup>


September 1, 2023, Episode of *The Benny Show*

So, when I look at that film of Fani whatever her name is and the other one, the two of them running around, uh, throwing people out, uh, having this gigantic, uh, box of ballots under a blanket all day, getting rid of all of the public in violation of Georgia law, which requires the public to be there, casing the place to make sure nobody's there and then opening it up, and furiously counting these ballots. I have the right to have an opinion about that, which is that it looked criminal. Otherwise they wouldn't have violated Georgia law and thrown the people out.<sup>26</sup>

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<sup>24</sup> *Id.* at 54:51–57:30.

<sup>25</sup> *The Rudy Giuliani Show* / 08-31-2023, WABC 77 (Aug. 31, 2023), <https://wabcradio.com/episode/the-rudy-giuliani-show-08-31-2023/> (archived at <https://perma.cc/JU8J-HQKR>), at 27:40–28:09.

<sup>26</sup> The Benny Show (@TheBennyShowPod), 'INVESTIGATE OBAMA!' Barrack [sic] EXPOSED As Architect of Trump Political Persecution / Hard Evidence , X (Sept. 1, 2023, 12:00 PM), <https://twitter.com/TheBennyShowPod/status/1697640497274060901> (archived at <https://perma.cc/NE9Q-UAP2>), at 1:10:42–1:11:22.

...

And that's definitely been proven to be untrue. There was no water leak. That was an excuse so that they could close down the balloting.<sup>27</sup>

September 3, 2023, Episode of *Sunday Agenda* on Newsmax

Their cases are funded by outside sources. For example, in this case in Atlanta, which is a defamation case, one of the largest Wall Street law firms is representing them. They don't do defamation cases. They probably have run up about, uh, fifteen to twenty million dollars in legal bills. And they have eight or ten people working on the case. So it is, it is punishment by process. So they file a discovery request, without any exaggeration, this high. [Raises his arm.] Maybe 10% of them are relevant to the case. The other 50% are trying to discover, particularly when they started, other crimes that maybe I committed, good luck! Crimes that Donald Trump may have committed.

Uh, when you go to the judge, there's no chance. I mean the judge is Judge Beryl, chief judge, who presided over the massacre of the January 6th people's constitutional rights, uh, I don't even know what kind of sentences she gave, they're frightening. I don't think we've won a single argument with her. Uh, one of the reasons I entered the stipulation to get beyond the case, where I do not admit anything, I just say we're not contesting, we want to move onto the legal aspects of the cases. I'm not stupid enough to think I'm gonna get a fair trial in front of her and the District of Columbia. I'd have to be not a lawyer to think that.<sup>28</sup>

September 5, 2023, Episode of *The Benny Show* [reposting part of September 1, 2023, interview with Defendant Giuliani]

So when I look at that film of Fani whatever her name is and the other one, the two of them running around, uh, throwing people out, uh, having this gigantic, uh, box of ballots under a blanket all day, getting rid of all of the public in violation of Georgia law, which requires the public to be there, casing the place to make sure nobody's there and then opening it up, and furiously counting these ballots. I have the right to have an opinion about that, which is that it looked criminal. Otherwise they wouldn't have violated Georgia law and thrown the people out.<sup>29</sup>

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<sup>27</sup> *Id.* at 1:13:10–1:13:19.

<sup>28</sup> Sandy Fitzgerald, *Giuliani to Newsmax: 'Never Had a Strained Relationship' with Trump*, Newsmax (Sept. 3, 2023), <https://www.newsmax.com/newsmax-tv/rudy-giuliani-trump-defense-fund/2023/09/03/id/1133074/> (archived at <https://web.archive.org/web/20231012172745/https://www.newsmax.com/newsmax-tv/rudy-giuliani-trump-defense-fund/2023/09/03/id/1133074/>), at 1:19–2:40.

<sup>29</sup> The Benny Show, *RUDY: "The Real Question Is Not If Biden Is Guilty — It's How Much Did OBAMA Know..."*, YouTube (Sept. 5, 2023),

September 5, 2023, Episode of *Rob Schmitt Tonight* on Newsmax

Giuliani: The [legal] fund is because of, not just that case [the criminal indictment against former President Trump, Defendant Giuliani, and others for alleged 2020 election interference in Fulton County, Georgia], but the—something like seven or eight others, some of which they’ve gone and gotten Wall Street law firms, where they’re raising money and paying, uh, you know millions of dollars in legal fees in order to bankrupt me. Uh, they, they serve, uh, they serve demands for, for discovery that you would serve on AT&T. And, uh, then the judge holds me in contempt because I didn’t turn over my, uh, uh, my electronics.

Rob Schmitt: Yeah.

Giuliani: I didn’t turn over my electronics because the FBI had my electronics. You don’t think that’s a sufficient excuse?<sup>30</sup>

September 8, 2023, Episode of *America’s Mayor Live*

Oh, no, she [television news anchor] did, she did the segment on the stipulation I entered in Georgia, in which she had the creepy lawyer say that I admitted that I lied, and she never contradicted him.<sup>31</sup>

...

If you want to read the stipulation, the stipulation says right in it that I am not admitting anything at all.<sup>32</sup>

...

Giuliani: Hey, Great Lawyer [television news anchor], hey, Great Lawyer, why don’t you read the damn stipulation, and the guy you had on was lying. He was lying about me. And I’m tired of people lying about me. And I’m tired of not callin’

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<https://www.youtube.com/watch?v=BRRp5TFWbrY> (archived at <https://web.archive.org/web/20231011201828/https://www.youtube.com/watch?v=BRRp5TFWbrY>), at 19:27–20:07.

<sup>30</sup> Mark Swanson, *Giuliani to Newsmax: Impeachment Is ‘Inevitable’ Outcome*, Newsmax (Sept. 5, 2023), <https://www.newsmax.com/politics/rudy-giuliani-joe-biden-impeachment/2023/09/05/id/1133328/> (archived at <https://web.archive.org/web/20231011202425/https://www.newsmax.com/politics/rudy-giuliani-joe-biden-impeachment/2023/09/05/id/1133328/>), at 4:19–5:00.

<sup>31</sup> Rudy W. Giuliani (@RudyGiuliani), *America’s Mayor Live (E230): Most Americans Know Joe Biden Is a Crook*, X (Sept. 8, 2023, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1700298080682496291> (archived at <https://perma.cc/2HUH-ZRUN>), at 45:40–45:52.

<sup>32</sup> *Id.* at 45:54–46:00.

people out who let them do it, so Great Lawyer, you owe me an apology. And if you don't do it—eh, don't do it, I don't really want you to, I don't really want you to, you people are so sloppy, it doesn't—it's ridiculous. It's just ridiculous. But I did not admit that I was lying. [Brief cross-talk with guest Maria Ryan.] And you know what a stipulation is, Great Lawyer. It was a stipulation so that we could move on to the other part of the case, otherwise that would have gone to trial in Atlanta in front of a jury that would have found me guilty before the case started.

Ryan: Wasn't it gonna be in front of DC lawyers?

Giuliani: Oh DC, I'm even wrong, it's even worse. It would have been in DC. So now I can appeal, and I can try to establish that it was opinion, that it wasn't defamatory, uh, that it wasn't, uh, and that there are no damages, because damages have already been paid.<sup>33</sup>

September 9, 2023, Episode of *Saturday Report* on Newsmax

Please don't think they're doing this on the—these own. These, these women who have never been anything but municipal workers are being represented by one of the largest Wall Street law firms, and they've spent probably four or five million dollars. Uh, the, you know, we know where the money is coming from, it's coming, it's coming from people who want to destroy our country.<sup>34</sup>

**September 12, 2023, Cease-and-desist Letter from Plaintiffs to Counsel for Defendant Giuliani Re: Continued Defamatory Statements (see Kwon Decl. ¶ 4)**

September 13, 2023, Episode of *Carl Higbie FRONTLINE* on Newsmax

These are funded very, very, uh, amply. These are not funded like—for example, the case brought by those two women in Atlanta that, uh, threw people out and counted the ballots in private in violation of Georgia law, they're being represented by a Wall Street law firm called Willkie Farr that is a multibillion-dollar law firm. And, uh, I don't think you get out of that law firm without paying a million-dollar legal fee. They've probably run up about eight to ten million dollars in legal fees. I doubt that Fani—that, that these two defendants are paying it. In fact, I have every reason to believe that it is being paid by organizations that are paying for similar cases against Trump lawyers. Uh, their interest is not the case, their interest is the process. In other words, they want to punish you by process. I mean, they'd like to

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<sup>33</sup> *Id.* at 46:51–47:55.

<sup>34</sup> Eric Mack, *Rudy Giuliani to Newsmax: Defense Fund Can Help Us Go on 'Offensive'*, Newsmax (Sept. 9, 2023), <https://www.newsmax.com/newsmax-tv/rudy-giuliani-indictments-legal/2023/09/09/id/1133855/> (archived at <https://web.archive.org/web/20231012191128/https://www.newsmax.com/newsmax-tv/rudy-giuliani-indictments-legal/2023/09/09/id/1133855/>), at 5:05–5:22.



win the case, but the winning of the case is to bankrupt you, tie you down in ten cases, so you can't defend any of them adequately.<sup>35</sup>

September 14, 2023, Episode of *The Rudy Giuliani Show*

I got a letter today from a lawyer named, uh, named, uh, Gottlieb, Michael Gottlieb. He's a lawyer at Willkie Farr & Gallagher and a Democratic operative. Former, uh, formerly worked for Obama. And Willkie Farr & Gallagher has taken on this libel case, obviously has spent something like ten, twelve million on it, so we don't know who's funding it, for Ruby Freeman. And, uh, I added a stipulation on the facts of the case so that we could argue the law, not admitting or denying anything, but because it would be tried in the District of Columbia, and it would just have been a waste of two million dollars to try it because I'd've been found, I'd have been found liable whether I was or I wasn't. I'm not a fool. I saw that the case was in the District of Columbia and on, before a judge that put January 6th defendants in jail for amounts of time that make me cry. So, uh, so we're gonna argue the law, and we're gonna argue damages and things like that. He now sends me a letter telling me to cease and desist as if he's the minister of truth in 1984. And this is what these fascists are like. He, he basically tells me I can't have an opinion.

So, here, the things I said that he's complaining about is, all refer to people looking at the, looking at the film themselves. Like, so I can look at the film, is what I say, uh, and uh, I see a big desk with a giant black blanket over it, and uh, uh, blocking everything below. They throw everybody out, and only when everyone is out and they case the joint, which means look around it again, do they go and open it and count the ballots with nobody there. Well, first of all, you can see that on, on the screen. And secondly, if you can't, uh, you pro—I prove myself wrong. It's an, uh, it's an opinion. It's an opinion of what I saw on there. Shouldn't even be libel under the law of libel. Has to be an allegation of fact. That's an opinion where you get to evaluate it yourself. If I can't do that we don't even have America anymore. [Brief crosstalk with guest John Gordon.]

Yeah, I mean I, what I say is, go look at it and see if I'm right. I also say they violate the law of Georgia because the law of Georgia says that you have to count ballots in public. I say go look at the tape, and you will see that they throw the people out, they throw the public out, they case the joint, meaning they walk around, make sure nobody's there, and then they furiously count. Again, I say, go look at the tape. But what are they afraid of? That people are going to go look at the tape? Now if I can't do that in America, if a cease-and-desist order gets issued, we're, we're living in a,

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<sup>35</sup> Nicole Wells, *Giuliani to Newsmax: Biden Admin Saying 'No More Fair Trial'*, Newsmax (Sept. 13, 2023), <https://www.newsmax.com/newsmax-tv/rudy-giuliani-biden-administration-donald-trump/2023/09/13/id/1134378> (archived at <https://web.archive.org/web/20231011203403/https://www.newsmax.com/newsmax-tv/rudy-giuliani-biden-administration-donald-trump/2023/09/13/id/1134378/>), at 2:33–3:41 (interjections from reporter omitted).



we're living in a, a Soviet country, a Nazi country. Uh, I mean that's about as, uh, as, uh, uh, as quintessential a, uh, uh, an example of free speech where you offer your interpretation and say, "Go look at the tape and decide for yourself."<sup>36</sup>

...

This woman, this is all on tape. People can take a look at it. Uh, uh, mostly, mostly everything I've said is opi—uh, opinion. It can be, and, and particularly here I say go back and look at the tape. Uh, we, we don't have an America if I'm not entitled to my opinion. You can't take that away from me in a lawsuit. So what do you think, John? How do we, how do we, how do we fix it, because I mean, that's the civil side of it.<sup>37</sup>

September 14, 2023, Episode of *America's Mayor Live*

I get a letter today saying I can't even express my opinion about that, uh, about that uh, uh, video in Atlanta when I tell you to look at it and see if you agree with me. Uh, it has been, uh, forever that under the law of libel you're allowed to express an opinion. Um, you don't even have to be in a, in a country that has a First Amendment. Uh, you can't express an opinion, we're not America anymore. Question is: are we America anymore?<sup>38</sup>

September 15, 2023, Episode of *America's Mayor Live*

And then the uh, uh, the ones who are suing me in, in, in Georgia. The women who threw the people out and counted the ballots, uh, in private, against Georgia law, which you can go see for yourself. What I said to you was don't take my word for it, go look at it. My opinion is they threw people out and counted the ballots with nobody there. Now, but you don't know something you should know. Georgia law makes it illegal to do that. Makes it illegal to count the ballots without the public there. And you can see them throwing the public out and then you can see them scurrying around after. You can see that. Maybe, maybe you're gonna see it differently than me. God bless you if you do, but I don't know how you can, uh, stop me from having my opinion of what I see if you can have your opinion of what

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<sup>36</sup> John C. Gordon / *Political Advocate* / 09-14-23, WABC 77 (Sept. 14, 2023), <https://wabcradio.com/episode/john-c-gordon-political-advocate-09-14-23/> (archived at <https://perma.cc/N64Y-DKX2>) [hereinafter *John C. Gordon*], at 5:45–9:05; see also *A Brief Indictment* / 09-14-23, WABC 77 (Sept. 14, 2023), <https://wabcradio.com/episode/a-brief-indictment-09-14-23/> (archived at <https://perma.cc/BA6N-XGDP>) [hereinafter *A Brief Indictment*], at 18:43–22:03 (full September 14, 2023, episode).

<sup>37</sup> John C. Gordon, at 10:30–11:01; see also *A Brief Indictment*, at 23:29–24:00.

<sup>38</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (E234): Hunter Biden Indicted On Gun Charges But Is It Actually A Cover-Up?*, X (Sept. 14, 2023, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1702472343598330365> (archived at <https://perma.cc/L7UW-KA56>), at 45:58–46:30.

you see. I know there are places you can do that. They were called the Soviet Union, Nazi Germany, present communist China, and Biden's America.

It also accomplishes something that the law prohibits, which is called a prior restraint. You can't stop someone from speaking. You can wait for them to speak and then you can, uh, sue them for it. But you can't stop someone from speaking. The law abhors a prior restraint because our, our dedication to the cleansing concept of free speech is so strong.<sup>39</sup>

September 17, 2023, Episode of *Uncovering the Truth with Rudy Giuliani & Dr. Maria Ryan*

I got a letter, I got a letter this week from, uh, the lawyers, uh, in that case in Washington, DC, in front of a Trump, uh, de—a Trump-angry judge [Maria Ryan laughs], uh, is the nicest way I can say it. In which they basically tell me I should shut up talking about it even though all I do is point to the, uh, point to the, uh, point to the video and say, "You know, this is what I think. What do you think?" I just give my opinion. They want me to shut up. I mean this was the, this was the week in which they did everything they could to destroy my First Amendment rights.<sup>40</sup>

September 26, 2023, Episode of *America's Mayor Live*

Where's the moral distinction between the fraud involved in covering up the hard drive and the fraud involved in taking 60,000, 60,000, peo—uh, registrations and attaching them to phony votes that were manufactured in a factory two blocks from the arena? And maybe that would also explain why you would never let anybody look at the ballots. Never. They wouldn't do—they, they counted the ballots over and over again. But they were the same phony ballots.<sup>41</sup>

October 2, 2023, Episode of *The Rudy Giuliani Show*

He's trying Trump for asserting his rights to try to have a review of the 2020 election. They love to say there's no evidence of fraud because they kept the evidence out. No judge would allow a hearing, very suspicious. But myself and my

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<sup>39</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (E235): Will Joe Biden Be on the Ballot in 2024?*, X (Sept. 15, 2023, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1702834781812383979> (archived at <https://perma.cc/C8NK-TZGK>), at 51:56–53:41.

<sup>40</sup> *Uncovering the Truth with Rudy Giuliani and Dr. Maria Ryan / 09-17-23*, WABC 77 (Sept. 17, 2023), <https://wabcradio.com/episode/uncovering-the-truth-with-rudy-giuliani-and-dr-maria-ryan-09-17-23/> (archived at <https://perma.cc/FEX7-ZBZJ>), at 22:24–23:00.

<sup>41</sup> Rudy Giuliani's Common Sense, *America's Mayor Live (E242): Gregg Phillips Discusses Irregularities During 2020 Election*, Rumble (Sept. 26, 2023, 8:00 PM), <https://rumble.com/v314bpg-americas-mayor-live-e242-gregg-phillips-discusses-irregularities-during-202.html> (archived at <https://perma.cc/SNZ4-GW3M>), at 55:30–56:01.

colleagues got the evidence in front of legislatures in the form of testimony. One of them resulted in a forty- or fifty-hour, uh, uh, hearing, an investigation with a formal report, from a highly distinguished senator in Georgia with a vote by his committee. It wasn't unanimous. I don't think it was unanimous, but it did have some Democratic votes. That highlighted and, and, and relied on specific witnesses to explain how the election of, uh, 2020 in Georgia was—um, well, he comes to the conclusion that the number of fraudulent acts that were proven in front of his committee were outcome-determinative. In other words, they would have changed the results of that very narrow election. And he goes into detail, for example, in explaining what happened at the State Farm Arena, and how it clearly violates the law, even with the misrepresentations, confusion, and lies that are, uh, supplied by the attorney general and the governor.<sup>42</sup>

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<sup>42</sup> *Sound the Fire Alarms* / 10-02-23, WABC 77 (Oct. 2, 2023), <https://wabcradio.com/episode/sound-the-fire-alarms-10-02-23/> (archived at <https://perma.cc/78PL-2KW9>), at 9:00–10:57.